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Attorneys for Plaintiff Kenneth E. Smith

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

KENNETH E. SMITH,

Plaintiff,

v.

CITIFINANCIAL RETAIL SERVICES, et al.,

Defendants.

) Case No. 3:06-cv-02966 BZ

)
)
) STIPULATION AND ~~[PROPOSED]~~
) ORDER PERMITTING PLAINTIFF
) TO FILE SUPPLEMENTAL
) COMPLAINT

Plaintiff, Kenneth E. Smith, and defendants CitiFinancial Retail Services and Citibank

(South Dakota) NA stipulate to the entry of an order permitting plaintiff to file the attached

Supplemental Complaint pursuant to Rules 15(d) and 16(b) of the Federal Rules of Civil

Procedure and setting March 15, 2007 as the date for Citibank's response.

Dated: March 2, 2007 KEMNITZER, ANDERSON, BARRON & OGILVIE LLP

/s/ Andrew J. Ogilvie

Attorney for Plaintiff Kenneth E. Smith

Dated: March 2, 2007 Severson & Werson, A Professional Corporation

/s/ Regina J. McClendon


Attorney for defendants CitiFinancial Retail Services and
 Citibank (South Dakota) National Association

Smith v. CitiFinancial Retail Services, et al. Case no. 3:06-cv-02966 BZ
 Stipulation and [Proposed] Order re Supplemental Complaint

ORDER

Plaintiff may file the Supplemental Complaint forthwith. Citibank shall file its responsive pleading on March 15, 2007.

Dated: March 5, 2007



Bernard Zimmerman
Magistrate Judge, United States District Court

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 KENNETH E. SMITH,
12 Plaintiff,

13 vs.

14 CITIFINANCIAL RETAIL
15 SERVICES et al.,

16 Defendants.

Case No. 3:06-cv-02966 BZ

SUPPLEMENTAL COMPLAINT

17 Plaintiff, Kenneth E. Smith, files this supplemental complaint against defendant Citibank
18 USA, National Association ("Citibank") pursuant to Fed.R.Civ.P 15(d) and alleges as follows:

19 1. This Supplemental Complaint is based upon events which occurred after plaintiff
20 filed the Complaint in this action.

21 2. This action is brought pursuant to the Equal Credit Opportunity Act ("ECOA"),
22 15 U.S.C. § 1691 *et seq.* The Court has jurisdiction pursuant to 15 U.S.C. § 1691e(f).

23 3. Plaintiff is a natural person who resides in Millbrae, California.

24 4. Citibank, a national bank, has its principal place of business outside of California.

25
26 *Smith v. CitiFinancial Retail Services*, N.D.Cal., case 3:06-cv-02966 BZ
Plaintiff's Supplemental Complaint

1 5. In or about April 2005, plaintiff applied for a Home Depot Credit Card.

2 6. Home Depot Credit Card accounts are issued by defendant Citibank.

3 7. In or about April 2005, Citibank approved plaintiff's credit application, opened a
4 Home Depot Credit Card account for him, and gave him a \$15,000 line of credit.

5 8. At various times in 2005 and 2006, plaintiff in good faith exercised his rights
6 under the Fair Credit Reporting Act ("FCRA") by filing sending dispute letters to consumer
7 reporting agencies and ultimately by filing suit against Citibank and other defendants.
8

9 9. Some time after May 2, 2006, Citibank closed plaintiff's Home Depot Credit Card
10 account because plaintiff in good faith had exercised his rights under FCRA.

11 10. Citibank violated the ECOA by discriminating against plaintiff because he in
12 good faith exercised his rights under the FCRA.

13 11. Plaintiff has suffered damages resulting from Citibank's discriminatory conduct.

14 WHEREFORE, plaintiff demands judgment against defendant Citibank as follows:

15 a) Declare Citibank's revocation of the account to violate the ECOA;

16 b) Award plaintiff actual damages;

17 c) Award plaintiff punitive damages; and

18 d) Award plaintiff reasonable attorney's fees, costs, and such other relief as
19 the Court may deem just and proper.
20

21 Dated: March 2, 2007
22

23 /s/ Andrew J. Ogilvie
24 Attorney for plaintiff Kenneth E. Smith
25